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Guide to recreational use of state trust



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***GUIDE TO
RECREATIONAL USE
OF
STATE TRUST LANDS***

(REVISED JULY 1994)

STATE DOCUMENTS COLLECTION

DEC 22 1995

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

STATE LANDS RECREATIONAL USE PERMIT

State law requires that state lands be managed to produce revenue to support education in Montana. Legally accessible state trust lands (hereinafter referred to as state lands) administered by the Department of State Lands (DSL) are open for recreational use unless closed or restricted by DSL. State lands, which generally include but are not limited to Sections 16 and 36 of each township, are colored light blue on most ownership and access maps produced by and available from the UDSA Forest Service (USFS) or the Bureau of Land Management (BLM). In addition, the DSL offices can provide information on state land ownership.

LICENSE REQUIREMENTS

1. A Recreational Use License, which is available from any Department of Fish, Wildlife and Parks (DFWP) authorized license agent, is required by any person 12 years of age or older to use state land for general recreational purposes. General recreation is all non-commercial/non-concentrated recreational activities except trapping, cutting or gathering wood, collecting valuable rocks/minerals, mining activities, or collecting or disturbing historical, archaeological or paleontological sites or specimens. These excepted activities require separate licenses or other authorization from the DSL. Any person may purchase a recreational use license for a spouse, parent, child, brother or sister. Revenues from license sales are distributed to educational trust accounts, and also used for administration, weed control, damage reimbursement and license vendor commissions.

2. A Special Recreational Use License is required for commercial activities (such as outfitting), and for non-commercial recreational activities conducted by organizations or other groups. It may also be required for certain camping activities (see OVERNIGHT USE). These licenses are available by applying at any DSL office.

3. Failure to possess a valid recreational use license or refusal to present the license, on demand, to a DSL employee, game warden or other enforcement personnel, is a misdemeanor.

ACCESS

1. "Legally accessible state land" is state land which can be accessed by dedicated public roads (roads usable by the public under state or federal law or which are under the jurisdiction of the State Highway Dept., county or municipal government), public rights-of-way or easements; by public waters such as rivers and streams that are recreationally navigable under 23-2-302, MCA; by adjacent federal, state, county or municipal land if the land is open for public use, or by adjacent contiguous private land if permission to cross the land is secured from the private land owner. Entry from state land onto private land, regardless of the absence of fencing or proper notice by the landowner, without permission from the landowner, constitutes trespass.

2. The boundaries of most state land are not marked. Please refer to the BLM or USFS published

maps, or consult with the landowner or lessee, to determine the location of such boundaries.

3. Lessees can post state land with blue paint to signify "no unauthorized use". However, if such land is legally accessible, has not been closed or restricted to recreational use by the DSL and licensed recreational use is conducted, such use is authorized.

CLOSURES (Recreational Use is Prohibited)

Categorical Closures:

Lands leased or licensed for cabinsites or homesites, lands containing growing crops (between time of planting and harvest), active commercial leases, military leases with active military activities being conducted, and lands upon which DSL has declared the threat wildfire to be extreme, are categorically (automatically) closed.

Site-Specific Closures:

If a valid request for closure of a specific tract(s) of state land is submitted, DSL may, after opportunity for public hearing, close the tract(s). Closures of this type may be based on disruption of livestock, weed control, damage to surface improvements of the lessee, wildlife protection, the presence of unique/special cultural or natural features, the presence of threatened, endangered or sensitive species or plant communities, the presence of buildings, structures or facilities, or because recreational use would diminish the income generating potential of the state land. These closures can be of seasonal, temporary or permanent nature.

Management Closures/Restrictions

State land can be temporarily closed or recreational use restricted if certain conditions exist which would interfere with the lessee's management of those lands. These conditions include the concentration of livestock for special/intensive breeding or for calving, lambing, shipping, weaning, livestock being gathered or moved, recent weed control treatment, active irrigation (however, irrigated land is not closed to foot traffic during hunting season). In addition, lands in close proximity to the lessee's dwelling, structures or other facilities may be closed/restricted except for purposes of ingress and egress to the state lands. These closures are generally for periods of 1-60 days, depending on the reason for closure or restriction.

LANDS CLOSED TO RECREATIONAL USE MUST BE POSTED AT ALL CUSTOMARY ACCESS POINTS.

RESTRICTIONS

1. **MOTORIZED VEHICLE USE** is restricted to federal, state, and dedicated county roads or other roads regularly maintained by the county, or to other roads which have been designated open by DSL. Off road travel is strictly prohibited. **Snowmobile use** is allowed on roads if permitted

by local traffic laws or regulations. On leased lands, snowmobile use is restricted to those roads mentioned above. On unleased lands, snowmobile use is allowed except in areas where it is prohibited. Disabled hunters possessing a "permit to hunt from vehicle", issued by DFWP are authorized to drive on any road on state land except roads closed by sign or barrier. Requests for open road designation should be submitted to the DSL area office having jurisdiction for the county in which the road is located. Requests must include a legal description of the tract(s) requested, accompanying map, and the reason for the request.

2. **PARKING** by recreationists on state land is allowed within 50 feet of a customary access point; on federal, state and county roads in accordance with local traffic laws or regulations; or within 50 feet of a road designated open by the DSL. Parking must not block vehicle access to the tract, damage the land or the lessee's improvements, or otherwise create a hazard.

3. **DISCHARGE OF FIREARMS** must be conducted in a careful and prudent manner. Firearms may not be discharged with 1/4 mile of an inhabited dwelling/outbuilding without permission from the inhabitant or on other state land upon which DSL has restricted firearms. Discharge of firearms not in conjunction with licensed hunting may require prior notification to the lessee. (See NOTIFICATION OF ACTIVITIES).

4. **LITTERING AND FIREWORKS** are strictly prohibited.

5. **OVERNIGHT USE** is restricted as follows: (1) Outside of designated campgrounds on leased or licensed state land, use must be conducted within 200 feet of a customary access point or navigable waterway and must not exceed 2 consecutive days; (2) in designated campgrounds use is limited to 14 consecutive days; (3) on unleased or unlicensed state land use is limited to 14 days within a calendar year. Overnight use may require prior notification to the lessee. (See NOTIFICATION OF ACTIVITIES). Overnight use outside of these restrictions requires issuance of a Special Recreational Use License from DSL.

6. **OPEN FIRES** on leased or licensed state land are restricted to designated campgrounds.

7. **PETS** must be kept on a leash or otherwise under the control of the recreationist.

8. **HORSEBACK USE** is restricted to day use only. Horses may not be kept on state land overnight. Horseback use not in conjunction with licensed hunting may require prior notification to the lessee. (see NOTIFICATION OF ACTIVITIES.)

9. **INTERFERENCE OF LEGITIMATE ACTIVITIES** (i.e.: discharging firearms into or over livestock, harassing game) by either the lessee or the recreationist is prohibited. These offenses are subject to issuance of a violation and assessment of a civil penalty.

10. **BLOCK MANAGEMENT AREAS (BMA's) and WILDLIFE MANAGEMENT AREAS (WMA's)**, administered by the DFWP, may include state land. Recreational use of state land in a BMA or WMA must be conducted in accordance with the rules and regulations specific to that management area. A State Land Recreational Use License is still required for recreational use of state trust lands enrolled in a BMA or WMA.

NOTIFICATION OF ACTIVITIES

The type of notification required depends on the type of recreational activity being conducted and the type of notification requested.

If notification is required, the state land must be posted at customary access points with signs available from the DSL or which meet DSL design and content specifications.

A lessee may require notification (not permission) either in person, by telephone, or drop box, from recreationists prior to entry onto leased or licensed state land. If personal notification is required, the lessee must be available from 7:00 a.m. to 9:00 p.m. to receive such notification. Upon request, the recreationist must provide the name, address and recreational license number for themselves and all members of their party.

General Notification Guidelines

Overnight Use: Personal or drop box notification at the designated notice location is required.

Overnight use in conjunction with floating only requires personal notification if designated notice location is less than 500 yds. from state land access point. If greater than 500 yds., drop box notification is sufficient.

Horseback or Firearm Use not in conjunction with licensed hunting: Personal or drop box notification at the designated notice location is required.

Other Uses: Personal notification is required only if the distance from the state tract to the designated notice location or nearest public telephone is less than 5 road miles. If the lessee cannot be contacted or the distance is greater than 5 miles, a drop box must be provided at customary access points to the tract.

This notice entitles the recreationist(a) to engage in general recreational activities for three (3) consecutive days or a longer period if authorized by the lessee, without re-notification.

ENFORCEMENT

The DFWP wardens provide in-the-field enforcement of the laws and rules pertaining to recreational use of state lands for hunting and fishing. Other law enforcement personnel may also be involved in the enforcement of these laws and rules.

FOR FURTHER INFORMATION REGARDING STATE LANDS

Contact one of the following Department of State Lands offices:

MT Dept. of State Lands
1625 11th Avenue
Helena, MT 59620
(406) 444-2074

Forestry Div. Hqs
2705 Spurgin Road
Missoula, MT 59801
(406) 542-4300

Northwestern Land Office
2250 Highway 93 North
Kalispell, MT 59901
(406) 752-7994

Northeastern Land Office
USDA Bldg., 613 NE Main
Lewistown, MT 59457
(406) 538-7789

Southwestern Land Office
1401 27th Avenue
Missoula, MT 59801
(406) 542-4200

Southern Land Office
Airport Industrial Park
Billings, MT 59101
(406) 259-3264

Central Land Office
8001 N. Montana St.
Helena, MT 59601
(406) 444-3633

Eastern land Office
321 Main Street
Miles City, MT 59301
(406) 232-2045

UNIT OFFICES

Helena Unit 444-3633
Dillon Unit 683-6305
Hamilton Unit 363-1585
Anaconda Unit 563-6078
Glasgow Unit 228-2430
Plains Unit 826-3791
Swan Unit 654-2301
Kalispell Unit 756-6575

Bozeman Unit 586-5243
Missoula Unit 542-4201
Clearwater Unit 793-5757
Lewistown Unit 538-5989
Libby Unit 293-2711
Stillwater Unit 881-2371
Conrad Unit 278-7869
Lincoln Station 362-4999

TO REPORT VIOLATIONS

Contact a MDFWP warden or contact one of the following MDFWP offices:

Montana Dept. of Fish, Wildlife & Parks
1420 East 6th Avenue, Helena, MT 59620
(406) 444-2452

Region 1
490 North Meridian Rd.
Kalispell, MT 59901
(406) 752-5501

Region 5
2300 Lake Elmo Drive
Billings, MT 59106
(406) 252-4654

Region 2
3201 Spurgin Road
Missoula, MT 59801
(406) 542-5500

Region 6
Rural Route 1-4210
Glasgow, MT 59230
(406) 228-9347

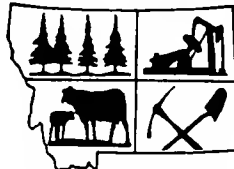
Region 3
1400 South 19th
Bozeman, MT 59715
(406) 994-4042

Region 7
Rural Rte. 1, Box 2004
Miles City, MT 59301
(406) 232-4365

Region 4
4600 Giant Springs Rd.
Great Falls, MT 59406
(406) 454-3441

Region 8
1400 8th Avenue
Helena, MT 59601
(406) 444-4720

MONTANA DEPARTMENT



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FILE-EZ

No. 80125

File-EZ Folder, Inc.
Spokane, Washgton 99202



